UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,712	11/24/2003	Nigel Green	ZNET.099A	5376

20995   7590   04/02/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
LIU, LIN

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
04/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
2ros@kmob.com

	Application No.	Applicant(s)
Office Action Summary	10/720,712	GREEN, NIGEL
	Examiner	Art Unit	
	LIN LIU	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _17 December 2009_.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-43 and 49-68_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-43 and 49-68_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to communications filed on 12/17/2009.

2.   Claims 1-43 and 49-68 are pending and have been examined.

Reopening of Prosecution after Appeal Brief

3.   In view of the appeal brief filed on 12/17/2009, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

        To avoid abandonment of the application, appellant must exercise one of the

following two options:

        (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

        (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

        A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

        /Vivek Srivastava/

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

a.   Claims 1-6, 8-14, 16-37, 39-43, 49-60 and 62-68 are rejected under 35

U.S.C. 103(a) as being unpatentable over **Hayton et al. (patent no.: US 7,051,084 B1)**

in view of **Miller (PGPUB: US 2003/0040970 A1).**

        With respect to **claim 1,** Hayton teaches a method of dynamically generating and

serving web pages, the method comprising:

        receiving a page request at a server, the page request generated by a web

browser running on a user computer and corresponding to a web page that is generated

dynamically (Hayton: fig. 2a-2b, col. 5, lines 17-37, noted the client request);

        in response to the page request, sending a service request from the server to a

service to request service data to incorporate into the web page (Hayton: fig. 2a-2b, col.

5, lines 29-50 and col. 6, lines 26-54, noted that the server node 210 sends data

request to data store 50 from server node 210');

        before the service returns the service data, transmitting a first portion of the web

page from the server to the user computer for display by the web browser, said first

portion including viewable content that is viewable on the user computer, and including

a placeholder for the requested service data (Hayton: fig. 2b, col. 5, lines 29-50 and col.

6, lines 26-54, noted that before the data update is being return back to the client, the first viewable page is displayed to the client);

after the service returns the service data and before the web page has been fully loaded, transmitting from the server to the web browser a second portion of the web page, the second portion including the service data (Hayton: col. 12, lines 50-65, col. col. 13, lines 6-50, noted the page update); and

transmitting to the user computer a page update handler which, when executed by the web browser, incorporates the service data included within the second portion of the web page into the first portion of the web page in a viewable form (Hayton: col. 5, lines 23-37, col. 6, lines 38-54, col. 13, line 6 to col. 14 line 18, col. 16, lines 23-39 and col. 17, lines 14-40).

However, Hayton does not explicitly teach a method of waiting for a service request in pending for a selected time interval.

In the same field of endeavor, Miller teaches a method of waiting for an update service request in pending for a period of time (Miller: page 5, paragraph 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of waiting for an update service request in pending for a period of time as taught by Miller in Hayton's invention in order obtain the new updated content from the data server (Miller: page 5, paragraph 40).

With respect to **claim 2,** Hayton teaches the method of Claim 1, wherein the placeholder comprises a display object, and the page update handler populates the display object with at least some of the service data included within the second portion

of the web page (Hayton: col. 13, line 6 to col. 14 line 18, col. 16, lines 23-39 and col.
17, lines 14-40).

With respect to **claim 3,** Hayton teaches the method of Claim 2, wherein the
display object is positioned above at least some of said viewable content within the first
portion of the web page (Hayton: fig. 2b, col. 17, lines 14-40).

With respect to **claim 4,** Hayton teaches the method of Claim 1, wherein the
service data is included in the second portion of the web page in a condensed form in
which at least some format coding is omitted, and the page update handler adds format
coding to the service data to format the service data for display, whereby a quantity of
data transmitted to the web browser is reduced (Hayton: col. 13, lines 6-50).

With respect to **claim 5,** Hayton teaches the method of Claim 1, wherein the
service data is included in the second portion of the web page in a hidden format
(Hayton : col. 13, line 6 to col. 14 line 18, and col. 23, lines 5-44).

With respect to **claim 6,** Hayton teaches the method of Claim 1, wherein the
page update handler is transmitted to the user computer as part of the first portion of the
web page (Hayton: fig. 2a-2b, col. 5, lines 29-50 and col. 6, lines 26-54).

With respect to **claim 8,** Hayton teaches all of the claimed limitations, except that
he does not explicitly teach a method of in response to a failure of the service to return
the service data within a selected time interval.

In the same field of endeavor, Miller teaches updating the web page in response
to a failure of the service to return the service data within a selected time interval.

(Miller: page 5, paragraphs 40-41). Same motivation used in claim 1, applies equally as well to claim 8.

With respect to **claim 9,** Hayton teaches all of the claimed limitations, except that he does not explicitly teach a method of to defer rendering of a portion of the web page, said server decision being based at least in part on response time data collected for the service.

In the same field of endeavor, Miller teaches updating the web page in response to a period of time collected for the update service (Miller: page 5, paragraphs 40-41). Same motivation used in claim 1, applies equally as well to claim 9.

With respect to **claim 10,** Hayton teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion of the web page in response to a server decision to defer rendering of a portion of the web page, said server decision taking into consideration at least one of the following: (a) a load level of the service, (b) a load level of a web server system that responds to the page request (Hayton: col. 13, lines 5-50).

With respect to **claim 11,** Hayton teaches the method of Claim 1, wherein the second portion of the web page includes a command that causes the web browser to execute the page update handler (Hayton: col. 12, lines 40-65).

With respect to **claim 12,** Hayton teaches the method of Claim 1, wherein the first portion of the web page includes a command that causes the web browser to execute the page update handler upon completion of loading of the web page (Hayton: col. 12, lines 40-65 and col. 16, lines 23-39).

With respect to **claim 13,** Hayton teaches the method of Claim 1, wherein the page update handler comprises a JavaScript function (Hayton: col. 5, lines 64-67).

With respect to **claim 14,** Hayton teaches the method of Claim 1, wherein the service request is one of a plurality of service requests generated in response to the page request (Hayton: col. 17, lines 14-40).

With respect to **claim 16,** Hayton teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a dimension of a window of the web browser running on the user computer (Hayton: col. 17, lines 29-40).

With respect to **claim 17,** Hayton teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a quantity of the service data (Hayton: col. 17, lines 14-56).

With respect to **claim 49,** Hayton teaches the method of Claim 1, wherein the method is performed by a web server system that comprises one or more physical servers (Hayton: fig. 2a-2b, col. 5, lines 17-50).

With respect to **claim 67,** Hayton teaches the method of claim 1, wherein the method additionally comprises responding to the page request by dynamically generating the first portion of the web page on said server using data retrieved from at least one additional service (Hayton: fig. 2a-2b server node 210').

With respect to **claim 68,** Hayton teaches all of the claimed limitations; except that he does not explicitly teach a method of incorporate into said first portion of the web page a viewable status message reflecting that additional data is being retrieved.

In the same field of endeavor, Miller teaches a method of viewing the status of the ad content in a Java servlets merchant site server (Miller: page 5, paragraphs 46-47 and page 6, paragraphs 50-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of viewing the status of content as taught by Miller in Hayton's invention in order to show to the user that update content is available.

With regard to **claims 18-26 and 50** the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17, 49 and 67. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17, 49 and 67 is used to reject claims 18-26 and 50. By this rationale **claims 18-26 and 50** are rejected.

With regard to **claims 27-37, 39-43 and 51,** the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17, 49 and 67. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17, 49 and 67 is used to reject claims 27-37, 39-43 and 51. By this rationale **claims 27-37, 39-43 and 51** are rejected.

With regard to **claims 52-60 and 62-66,** the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17, 49 and 67-68. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17, 49 and 67-68 is used to reject claims 52-60 and 62-66. By this rationale **claims 52-60 and 62-66** are rejected.

5.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hayton et al. (patent no.: US 7,051,084 B1) in view of Miller (PGPUB: US 2003/0040970 A1 and further in view of Starkey (PGPUB: US 2002/0059327 A1).**

With respect to **claim 7**, the combined method of Hayton-Miller teaches all of the claimed limitations, except that they do not explicitly teach a method of transmitting a page update handler to the user computer as part of a library file, separately from the web page.

In the same field of endeavor, Starkey teaches a method of transmitting a page update handler to the user computer as part of a library file, separately from the web page (Starkey: fig. 1, page 3, paragraphs 38-39, note the Java Classes).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Starkey in the combined method of Hayton-Miller's invention in order to reduce network traffic by transmitting packets separately over the network.

6.   Claims 15, 38 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hayton et al. (patent no.: US 7,051,084 B1) in view of Miller (PGPUB: US 2003/0040970 A1 and further in view of Samar (Patent no.: US 6,563,514 B1).**

With respect to **claim 15,** the combined method of Hayton-Miller teaches all of the claimed limitations, except that they do not explicitly teach a method of

implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element.

In the same field of endeavor, Samar teaches a method of implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element (Samar: abstract, fig. 8, and col. 10, lines 26-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Samar in the combined method of Hayton-Miller's invention in order to dynamically display the additional information with regard to the element without requiring any further action from the user (Samar: col. 1, lines 59-67).

With regard to **claims 38 and 61,** the limitations of this claim are substantially the same as those in claim 15. Therefore the same rationale for rejecting claim 15 is used to reject claims 38 and 61. By this rationale **claims 38 and 61** are rejected.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-43 and 49-68 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Datta (Patent no.: US 6,622,168 B1) discloses a dynamic page generation acceleration using component level caching.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445